

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH, BAYER  
S.A.S., and MERIAL LIMITED,**

**Plaintiffs,**

**v.**

**CHEMINOVA, INC.,**

**Defendant.**

**Civil Action No. 10-cv-274**

**PLAINTIFFS' MOTION FOR PROTECTIVE ORDER  
VACATING THE NOTICE OF JUNE 2, 2011 DEPOSITION  
OF PROFESSOR MICHAEL POTTER**

Pursuant to Federal Rule of Civil Procedure 26(c), Plaintiffs BASF Agro B.V., Arnhem (NL), Wädenswil Branch ("BASF"), Bayer S.A.S. ("Bayer"), and Merial Limited ("Merial") respectfully move the Court for a protective order vacating the notice of the June 2, 2011 deposition of Michael Potter, Plaintiffs' expert on infringement and validity issues related to Plaintiffs' United States Patent Nos. 6,414,010 (the "'010 Patent") and 6,835,743 (the "'743 Patent") (collectively, the "Perimeter Use Patents").

The undersigned certifies that counsel for Plaintiffs have conferred in good faith with counsel for Defendants in this action in an attempt to resolve this dispute without court action.

The grounds in support of this Motion are set forth in the accompanying memorandum.

Respectfully submitted this 31st day of May, 2011.

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### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Daniel Alan M. Ruley, [aruley@belldavispitt.com](mailto:aruley@belldavispitt.com), William K. Davis, [wdavis@belldavispitt.com](mailto:wdavis@belldavispitt.com), Christopher G. Kelly, [christopher.kelly@hklaw.com](mailto:christopher.kelly@hklaw.com), Steven L. D'Alessandro, [steven.dalessandro@hklaw.com](mailto:steven.dalessandro@hklaw.com), Robert J. Burns, [robert.burns@hklaw.com](mailto:robert.burns@hklaw.com), Joshua C. Krumholz, [Joshua.krumholz@hklaw.com](mailto:Joshua.krumholz@hklaw.com), Jitendra Malik, [jmalik@alston.com](mailto:jmalik@alston.com), John Patrick Elsevier, [jpelsevier@jonesday.com](mailto:jpelsevier@jonesday.com), Matthew W. Howell, [matthew.howell@alston.com](mailto:matthew.howell@alston.com), Judy C. Jarecki-Black, [jduy.jarecki@merial.com](mailto:jduy.jarecki@merial.com), and Frank G. Smith, [frank.smith@alston.com](mailto:frank.smith@alston.com).

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